



"The City With a Heart"

Larry Franzella, Mayor
Irene O'Connell, Vice Mayor
Rico E. Medina, Councilmember
Jim Ruane, Councilmember
Ken Ibarra, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

March 25, 2008

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT The San Bruno City Council met in regular session on March 25, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the San Bruno Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella with Vice Mayor O'Connell and Councilmembers Ruane, Medina and Ibarra in attendance. Recording by Clerk Bonner. **City Clerk Bonner** led the Pledge of Allegiance.

3. ANNOUNCEMENTS: **Mayor Franzella** said Police Recognition Day would be on May 10, at Tanforan.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: **Mayor Franzella** moved Item 11. to follow Item 8.

6. APPROVAL OF MINUTES: Regular Council Meeting of March 11, 2008, approved as submitted.

7. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by a Councilmember, citizen or staff.

a. **Approve:** Payroll of March 7, 2008.

b. **Approve:** Accounts Payable of March 3 and 10, 2008.

c. **Accept:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated February 29, 2008.

d. **Waive:** Second Reading and Adopt Ordinance Amending Subsection 5.04.030(b)(2)(d) of Chapter 5 (Nuisances Enumerated) of Title 5 (Nuisances) of the San Bruno Municipal Code.

e. **Waive:** Second Reading and Adopt Ordinance Amending the San Bruno Redevelopment Plan to Extend Certain Time Limitations Pursuant to Senate Bill 1045.

f. **Adopt:** Resolution Approving a Memorandum of Understanding Between the City of San Bruno and the San Bruno Management Employee Association (SBMEA), and Authorizing its Execution by the City Manager.

g. **Accept:** Letter from Community Preparedness Committee Requesting that the City Council Declare a Boardmember Vacancy and Direct the City Clerk to Initiate the Process for Appointment of a New Member.

M/S Ruane/Medina to approve the Consent Calendar and passed with all ayes.

8. PUBLIC HEARINGS: None.

11. REPORT OF COMMISSIONS, BOARDS & COMMITTEES:

Receive Cultural and Arts Commission Annual Report and Work Plan for 2008 and 2009.

Tami Parker, Cultural and Arts Commissioner, introduced members of the Commission and gave an overview of what the Commission had done and their plans for the upcoming year. **Mayor Franzella** thanked the Commission for all they have done for the community.

9. CONDUCT OF BUSINESS:

a. Receive Report Regarding Graffiti Abatement Program and Additional Potential Prevention, Abatement, and Enforcement Measures.

City Attorney Thompson gave an overview of the problems graffiti causes and when it impacts a community, how it can be abated. She turned to **Chief Telford** for his comments.

Chief Telford said there are two types of individuals who do graffiti, the criminal and individuals who want to leave a marker. He reviewed the staff report and turned to **Community Development Director Aknin** for his comments.

Community Development Director Aknin explained his department is mostly reactive rather than proactive. He said complaints come into his department through the graffiti hot line and City employees who drive around town and see graffiti. He described the way the complaints were handled either interdepartmentally or redirected to the appropriate agency.

City Attorney Thompson said she was looking for Council's guidance. She said there are three categories to look at, the first being making amendments to the ordinance; the second is abatement, developing concepts of graffiti measures; and, thirdly working with folks hit in the commercial area.

Councilmember Ruane said he would like the time limit shortened. He also talked about the façade improvement program we have and possibly a graffiti assistance removal program subsidized by redevelopment.

Mayor Franzella asked if screening a repeated graffiti location with trellis' and plants would fall in this category. **City Attorney Thompson** said they would be looking at each location and see what would fit best, whether plants, fines, lighting, etc.

Vice Mayor O'Connell asked about a hearing by request or default? **City Attorney Thompson** said the purpose of the hearing is to comply with due process requirements. The owner either has to give *consent* to go on their property to clean it up or if they don't, the only option the City has is to have a *hearing* where the owner can voice their objections.

Vice Mayor O'Connell asked about time limits and **City Attorney Thompson** said it is ten days for normal and five days for obnoxious graffiti. She recommended the distinction be removed and the time frame be shortened. She said the City needs to make the process for a hearing easy.

Councilmember Medina he said in 1999 graffiti was addressed and he saw a decrease. Today it is on the increase and he said he believed the time frame should be shortened and we as a City need to do whatever we can to get rid of the graffiti in the fastest manner possible. He said educate.

Vice Mayor O'Connell agreed the time should be shortened. She suggested deterrents and education.

Councilmember Ruane asked how a residence would be handled? **City Attorney Thompson**

they are notified and historically, if the owner consents, the City has been correcting at no cost to the occupant. If they do not consent, a hearing would be held and either a court order to remove it would be issued or the City could abate with its own forces.

Councilmember Ibarra said there needs to be something to get the graffiti artists. He said the staff report addresses eradicating the graffiti but does not address the perpetrators. **City Attorney Thompson** said it would be the job of the Police Chief to catch the perpetrators and her job was to try to figure out how the City could partner with the commercial sector to deter the artists before they do the damage. **Councilmember Ibarra** asked if there was a way community groups could partner with the City for removal of graffiti? **City Attorney Thompson** said the issue comes down to consent of the property owner.

Mayor Franzella said we were trying to develop some type of assistance program to eliminate chronic areas, definitely shorten the time limit and correct the hearing process. He said we need to come up with a better way to deal with outside agencies.

Councilmember Medina said there is a consent form businesses can sign and it is taken care of. He said graffiti is not art, it is criminals doing an act.

Police Chief Telford said there was an arrest made for graffiti. He said there are plans in the works to have one of our community groups go out and specifically paint out graffiti.

Mayor Franzella moved 9.f. to follow 9.a.

9. f. Receive Report and Provide Direction to Staff Regarding Repairs and Costs Associated with Water Service to the Community Garden and 4H Premises.

Vice Mayor O'Connell asked if she should be recused because her daughter was a member of 4H. **City Attorney Thompson** said she could stay.

City Manager Jackson reviewed the staff report and asked for direction in preparing a resolution, delineation of responsibility to the water line and secondly the payment of costs for the normal water costs which are charged to customers.

Councilmember Ruane asked how many meters were there. **City Manager Jackson** said there were two meters and no proposed changes were planned. What is being proposed is re-routing and reinstallation of the line across Lions Field and then install back-flow preventers at the other side of Lions Field. The meter records and provides water consumption for each separately.

Councilmember Ruane asked what consumption is presently. **City Manager Jackson** said the dollar value averaged for 4H was \$20. and the Community Garden was \$190.

Councilmember Ibarra asked for clarification on the water line destination. **Engineer Davis** said the existing line from where the line crosses the field that would lead to 4H appears to be serviceable and functioning. He said the breaks and the problems are actually out in the field.

Vice Mayor O'Connell asked if the yellow line represented two pipe lines. **City Manager Jackson** concurred.

Councilmember Ibarra asked if the pipe could be installed without disrupting the field? **Engineer Davis** concurred.

Councilmember Ibarra asked if the two organizations have been paying the bills and if they know about this? **City Manager Jackson** said at one point they paid for the water meter but had

not been billed anything since early in 2006. She said the information came from reading the meters but it was never translated into a bill.

M/S Ruane/Medina made a motion to repair the line in an amount not to exceed \$12,000.

Helen Kiefer, Manager, Community Gardens said she would meet with Mr. Davis tomorrow to get specifics. She expressed her concern if there would be problems with the existing lines that go across the Community Garden to 4H once the new line across Lions field is replaced.

Mayor Franzella said staff has indicated there does not appear to be problems with those lines; however, everything on the City's side of the meter/backflow preventer is the City's responsibility; everything on the Community Gardens and 4H side are their responsibility.

Helen Kiefer said at the time the line was replaced, the pressure of the water was reduced to the garden. **City Manager Jackson** said it would be addressed with Engineer Davis tomorrow.

Mayor Franzella said there was a motion on the floor to bring back a resolution **M/S Ruane/Medina** to repair the line in an amount not to exceed \$12,000 and everything on the City's side will be the City's responsibility to repair and from the backflow preventer into the property will be the property owner or users responsibility and passed with all ayes. **Mayor Franzella** said in the future staff will have the authority to replace the other lines, but at this time staff does not believe they need replacement.

b. Review Proposed San Bruno Garbage Company Rate Increase and Proposed Property Owner Notice and Protest Process for 2008-10 Garbage Rates.

Finance Director O'Leary gave an overview of the staff report, which included a proposed 4.52% increase in garbage rates beginning in July. Notices are being sent to all users and public hearings will follow. He also said noticing would include two years with a project for the second year, thereby saving another mailing next year.

M/S Ibarra/Ruane to approve noticing and passed with all ayes.

Mayor Franzella introduced Tammy DelBenne from the San Bruno Garbage Company.

Tammy DelBenne, San Bruno Garbage, reported a 33% increase in recycling and a reduction of 5% disposable garbage. **Mayor Franzella** thanked her.

c. Receive Report and Provide Direction to Staff Regarding Additional Lending Criteria for the City's Employee Home Loan Program.

City Manager Jackson recused herself because she has an employee home loan.

Finance Director O'Leary gave an overview of the staff report and asked for direction from the Council.

Mayor Franzella said in these markets reduction to 90% is smart, but he also believed the maximum loan amount should be reduced from \$140,000 to \$80,000 to \$100,000. He agreed with elimination of the home improvement. He also said there should be a requirement the City has a copy of the first loan documentation and a 680 credit score.

Vice Mayor O'Connell asked for clarification on the percentages. **Mayor Franzella** said the borrower could purchase a million dollar home with \$100,000 loan from the City and the balance from a financial institution.

Finance Director O’Leary asked if that could be addressed by maintaining the current limit and the City will not lend more than 20% of the purchase price? **Mayor Franzella** said the dollar amount could remain the same and a maximum of 20%.

Vice Mayor O’Connell was uncertain regarding removing the home improvement part. **Mayor Franzella** said the City’s concern is there is no mechanism to ensure the work is done. Vice Mayor O’Connell asked if a permit could be pulled. **Councilmember Ibarra** said the first mortgage could be refinanced to do the remodeling.

Finance Director O’Leary said presently we give a check to the lending or title company and with a home improvement it would go to the employee.

Mayor Franzella said the City has no verification process for refinancing home improvements, nor do they have trained staff. On a home purchase, the City relies on the institutional lender making the first loan. **Councilmember Medina** felt there should not be a home improvement loan.

d. Receive Report and Authorize Removal of the Catalpa Tot Lot From Phase II of the Playground Replacement Project.

Interim Parks and Recreation Director Mines gave an overview of the staff report and asked for questions.

Mayor Franzella supported removing the Catalpa Lot from the Replacement Project and moving forward with the Playground Program.

M/S Ruane/Medina to remove the Catalpa Lot and continue with the Playground Replacement Project.

e. Receive Notice From Carlton Corners Association Terminating Lease for the Meeting House at 299 Carlton Avenue and Provide Direction to Staff Regarding Use of the Facility.

Vice Mayor O’Connell recused herself because of her membership on the Carlton Corners Association Board of Directors.

City Manager Jackson reviewed the letter from Carlton Corners asking for termination of their lease. She said it is in serviceable condition at this time and direction from City Council is requested to determine what to do with the building. She said there was also an additional request in the letter having to do with remaining funds left in the Carlton Corners Association treasury.

Irene O’Connell, Acacia Ave., reported the Association has insurance on the property until May 28, 2008. She said a small rental fee is charged to people who use it for baptisms or birthdays. **Mayor Franzella** asked when the last rental is scheduled and **O’Connell** said on the 24th of May.

Councilmember Ibarra asked the volume of usage and **O’Connell** said it is used fairly heavy on weekends for parties and gatherings. She said they are charged roughly \$100. and they provide additional insurance. The insurance the Association provides costs roughly \$1200. per year.

Mayor Franzella said he believed the reason it was leased to a third party for \$1.00 a year was they could be restrictive and give it to one group for free all year and charge another. He didn’t believe the City could do the same. He said the City needs to take the building back and we need to work with the girl scouts and determine what a rental fee would be and maybe the 25th or 26th of May would be the time. Staff needs to analyze how to manage it and if not, bring back alternatives.

Councilmember Medina said May 28 is when insurance comes dues and then it is full liability to the City and we can’t say one group is free and another isn’t. He was also concerned about over-night activities and the liability to the City. He said staff needs to see what can be done at this site.

Mayor Franzella said staff needs to get a date in place, after the last rental, get insurance and immediately notify the girl scouts and anyone else, how and when it will change.

Councilmember Medina commented on their kind offer of art and said he didn't know if the sites in mind would be too much to hold two pieces of art. He said it should be looked into. **Mayor Franzella** said since the Wells Fargo site was temporary, no permanent piece of art should be placed there. He said it was a great gesture but he believed the Culture and Arts Commission should make the decision to find a permanent location.

Councilmember Ruane agreed with the Mayor and said the current condition of the property should be evaluated before anything was done. **Mayor Franzella** said the property should be inspected well in advance.

Councilmember Ibarra asked if there was discussion of having another lessee. **City Manager Jackson** said she wasn't aware of anyone with this interest.

f. Moved to follow Item 9.a.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Jane Presta, National Avenue, expressed her concerns over problems occurring at The Village which included structural and public health issues.

Mayor Franzella said the City has no control over management. He said a list of perceived health hazards should be given to the City Clerk and the City will investigate.

Hongyu Sun asked Council to support the Global Human Rights Torch Relay.

Fan Win, San Francisco asked Council to support the Global Human Rights Torch Relay by joining them or resolution.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: Moved to follow Item 8.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION:

Conference with the City's Property Negotiator, City Manager, to Discuss the Price and Terms for the Potential Purchase of Real Property Located at 105 Cabrillo Way, in San Bruno, Owners Jeffrey and Adrienne Madden (Cal. Gov't Code Section 54956.8). No reportable items.

14. ADJOURNMENT: There being no further business to transact, the meeting concluded at 9:12 p.m. The next City Council Meeting will be held on April 8, 2008 at 7:00 p.m. at the City Hall, 567 El Camino Real, San Bruno, CA.

Respectfully submitted for approval
at the regular City Council Meeting of
April 8, 2008

Carol Bonner, City Clerk

Larry Franzella, Mayor